

# Interstate Compact

FOR ADULT OFFENDER SUPERVISION



STATE OFFICIALS GUIDE  
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# ADDITIONAL INFORMATION

For additional information on the compacts history, detail and further documentation, please visit our websites at:

<http://www.statesnews.org/clip/policy/isc.htm>

<http://www.nicic.org/services/special/compact-adult/default.htm>

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# Interstate Compact

## FOR ADULT OFFENDER SUPERVISION

### — STATE OFFICIALS GUIDE —

#### EXECUTIVE “TIP” SUMMARY

Your state is a member of the Interstate Compact for Adult Offender Supervision. Developed in 1998 and enacted by at least 35 states from 2000 through 2002, this interstate compact regulates the movement and supervision between states of offenders currently under community supervision. It is designed to better ensure public safety and to create a more effective and efficient means of transferring and tracking offenders between states. This new compact revises an existing compact originally developed in 1937. As a member of this new compact, your state has several new responsibilities of which you, as a state policymaker, need to be aware, including: development of a State Council, appointment and role of a compact administrator and participation as a member state in the Interstate Commission and its development of rules, regulations and financial dues formulas.

This Executive “Tip” Summary is designed to aide state executive policy makers in better understanding the Interstate Compact for Adult Offender Supervision and their considerations and actions regarding its use and implementation. This Summary should be used as a checklist, with the State Officials Guide serving as the resource document for specific tips. These tips follow the larger State Officials Guide; it should be used as an appendix to these steps.

- **Tip #1:** Become familiar with the compact language as adopted by your state. (Pg. 6)
- **Tip #2:** Consult with your state’s compact administrator and deputy compact administrator. (Pg. 6)
- **Tip #3:** Review the existing rules and regulations of the Interstate Compact for the Supervision of Parolees and Probationers with your compact administrator or deputy compact administrator in preparation for the first Interstate Commission meeting and to become versed in the regulations that direct compact activities. (Pg. 7)
- **Tip #4:** If your state has not yet established its State Council, please contact your state’s Governor’s office, state compact administrator and sponsor of the compact legislation in your state for information on next steps. State Councils should be established and have met prior to the first Interstate Commission meeting. (Pg. 8)
- **Tip #5:** Determine who has the authority to appoint members to the State Council. (Pg. 8)
- **Tip #6:** Determine how your state will handle State Council authority issues and how the State Council will function. (Pg. 8)
- **Tip #7:** Determine what will be the required or desired qualities and qualifications for membership on your State Council and the number of council members. (Pg. 9)
- **Tip #8:** Become educated in how your state currently handles compact administration, how it handles the day-to-day administrative duties of the compact and whether your state provides for a deputy compact administrator and compact staff. (Pg. 9)

- **Tip #9:** Determine how your state will appoint the compact administrator under the new compact. (Pg. 9)
- **Tip #10:** Determine who will represent your state at the Commission meetings if the compact administrator is unable to attend; and understand and appreciate the Commissioner's responsibilities. (Pg. 10)
- **Tip #11:** State Council members should discuss and understand the authority vested in the Interstate Commission in preparation for the first meeting of the Commission. (Pg. 12)
- **Tip #12:** The State Council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on Commission business prior to the first Commission meeting. (Pg. 12)
- **Tip #13:** The State Council may prepare for the first Commission meeting by discussing specific and general responsibilities of the Commission and its members. This should include having specific discussions on such things as, but not limited to member dues formulas, rule making considerations, Commission staffing needs, training needs, etc. The Commissioner should come to the first Commission meeting prepared to address these and other issues. (Pg. 12)
- **Tip #14:** The State Council may prepare for the first Commission meeting by discussing by-laws for the Commission. The Commissioner should come to the first Commission meeting prepared to address these and other issues. (Pg. 13)
- **Tip #15:** The State Council may discuss what, if any, committees its Commissioner should serve on as well as how the members of the State Council may be able to support Commission committee work. Additionally they should discuss any additional committees they would recommend and how they will ensure input into committee functions. (Pg. 14)
- **Tip #16:** The State Council may discuss whether its Commissioner should seek office on the Commission and what qualities Commission leaders should possess. (Pg. 14)
- **Tip #17:** The State Council may discuss whether they are going to send members of the Council to the Commission meetings in addition to the Commissioner and, if so, how the costs of additional attendees will be funded. CSG/NIC will cover the costs of the Interstate Commissioner from your state. Additional costs for other attendees will be borne by the state. (Pg. 14)
- **Tip #18:** The State Council may discuss what they anticipate being the necessary staff positions for the operation of the compact. Additionally, they should discuss the qualifications of an executive director. Further, the Interstate Commission can decide where it will be housed; State Councils and Commissioners may be prepared to discuss the location and housing of the Interstate Commission. (Pg. 15)
- **Tip #19:** The State Council should review the existing rules and regulations with your compact administrator or deputy compact administrator, become familiar with these rules and regulations and discuss any desired additions, deletions or enhancements to the rules and regulations prior to the first Interstate Commission meeting. (Pg. 15)
- **Tip #20:** The State Council may discuss those expenditures they feel will be necessary to operate the Interstate Commission prior to the first Commission meeting. (Pg. 16)
- **Tip #21:** The State Council may meet with the current compact administrator, deputy compact administrator and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by offender supervision staff, the judiciary and other allied justice system personnel. (Pg. 16)
- **Tip #22:** State Councils may work with compact administrators, deputy compact administrators, other compact staff and allied justice system agencies to determine what types of information should be collected and shared in a national data sharing system. This information, presented by your state Commissioner to the Interstate Commission, will be valuable in defining the specific parameters of the system. (Pg. 17)

- **Tip #23:** State Councils and compact administrators should familiarize themselves with the specific processes and procedures within their state for requesting a budget appropriation. Also, the State Council could see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments. (Pg. 17)
- **Tip #24:** The State Council should seek information on offender movement totals from the current compact administrator and other appropriate state agencies to prepare for the Interstate Commission. The State Council, in consultation with state leaders could discuss possible configurations for a dues formula. (Pg. 18)
- **Tip #25:** Read and become familiar with the specific articles and sections of the compact that do pose or may pose legal implications and obligations. Consult your state's compact administrator and, if necessary attorney general's staff for assistance. (Pg. 19)



# Interstate Compact

## FOR ADULT OFFENDER SUPERVISION

### — STATE OFFICIALS GUIDE —

#### **Introduction**

Your state is a member of the Interstate Compact for Adult Offender Supervision. Developed in 1998 and enacted by at least 35 states from 2000 through 2002. This interstate compact regulates the movement and supervision between states of adult parolees and probationers currently under community supervision. It is designed to better ensure public safety and to create a more effective and efficient means of transferring and tracking offenders between states. This new compact revises the Interstate Compact for the Supervision of Parolees and Probationers originally developed in 1937. As a member of this new compact, your state has several new responsibilities of which you, as a state policymaker, need to be aware, including: development of a State Council, appointment and role of a compact administrator and participation as a member state in the Interstate Commission and its development of rules, regulations and financial dues formulas.

As you progress through this guide and make preparations in your state for transitioning to the new compact, is it critical to ask this question: Who in my state should be performing these action items? For many states, the answer may be the existing Compact Administrator or, if your state has already established a State Council, the members of that body. It may further benefit your state to appoint a Coordinator for Adult Compact transition activities. This Coordinator could oversee all aspects of compact transition and keep the relevant parties in your state informed of activities and requirements and coordinate your state participation in the first Interstate Commission meeting.

#### **Purpose of Guide**

The purpose of this guide is to aide state policy makers and members of the State Council in better understanding the Interstate Compact for Adult Offender Supervision (hereafter referred to as the compact). This guide highlights the new responsibilities assumed by your state under this interstate agreement while providing you with activities with which you and your State Council may choose to utilize in preparation for a smooth and effective start-up for the compact. While the compact language and some of its processes are new, the spirit of this compact and the partnership among the states is the same as it was some 65 years ago when the first Interstate Compact for the Supervision of Parolees and Probationers was developed. Your state has participated in the original compact and lessons can be learned from the operation of that compact.

#### **How to use this Guide**

This guide is structured to provide you with information on key issues and activities that your state will need to consider as the new compact goes into effect. The guide highlights critical areas for action and consideration and moves step-by-step through the major sections of the compact providing an explanation of the compact's intent and the rationale behind each principle and function of the compact. Suggested tips are provided throughout this document to help your state proceed in a structured and comprehensive manner toward the activation of the new compact in your state. Each tip may require the assignment of responsibilities to an individual or group to ensure the action is completed. Each state will be able to determine how best to proceed.



**Tip #1: Become familiar with the compact language as adopted by your state.**

It is important that you and the State Council become familiar with the legislatively mandated language that legally creates and guides the compact's structure and activities. The remainder of this document will help you understand the model language of the compact, but it is important that an understanding of the specific language of your state's legislation be understood and followed.

**Tip #2: Consult with your state's compact administrator and deputy compact administrator.**

Current compact administrators and/or deputy compact administrators can provide valuable information as well as the day-to-day nuances related to the operation of the new or previous compact and how your state maintains relations with other states under these agreements.

# TRANSITION

As the new compact is ratified and enacted by the states, the Interstate Compact for Adult Offender Supervision process moves from a legislative process to an administrative process. This series of events in the states and at the national level is referred to as “Transition.” Several critical steps must be completed during the development of the Interstate Commission to ensure that states are following the compact and completing the necessary tasks to make the agreement a success. During this transition period, slated to be 18-months in length, the Adult Compact will go from being a concept on paper to being an administrative reality: a body of participating members coming together to determine the future and course of the agreement.

## Transition Timeline

The transition period for the Adult Compact is likely to encompass a period of 18 months. During this time, the Interstate Commission will meet and establish various committees to address issues such as rules and regulations, dues and dues formulas and training, outreach and education. A sample timeline is provided below:

June, 2002	●	Adult Compact reaches 35 state threshold
July, 2002	●	Notice to states, development of state councils, appointment of compact administrator/commissioner
August, 2002	●	Meeting logistics, planning
November, 2002	●	Convene first Interstate Commission meeting
February, 2003	●	Convene first series of committee meetings
April, 2003	●	Convene second series of committee meetings
June, 2003	●	Convene third series of committee meetings
August, 2003	●	Convene second Interstate Commission meeting

## Transition Rules & Regulations

Tip #3: You should review the existing rules and regulations of the Interstate Compact for the Supervision of Parolees and Probationers with your compact administrator or deputy compact administrator in preparation for the first Interstate Commission meeting and to become versed in the regulations that direct compact activities.

As the Interstate Commission meets, one of the first items for its consideration will be the development of new rules and regulations to govern the activities of the compact. During the first 12 months of the Interstate Commission's existence, the pre-existing rules of the old Interstate Compact for the Supervision of Parolees and Probationers will continue to govern the relationships between states. While it is expected that the majority of existing rules and regulations will be incorporated in some related form into the new rules and regulations, several key areas for rulemaking are outlined in the new compact. At the end of this 12-month period, the transition from the old to the new compact will be complete. The relationships among compacting and non-compacting states, unless preserved by another interstate agreement, will cease to exist. Any state that adopts the new compact during this 12-month period will be a full partner and compacting state. Any state that adopts the new compact after this 12-month transition period will be a full partner and compacting state, but will have missed the opportunity to participate in the full rulemaking process.

# STATE COUNCIL

Tip #4: If your state has not yet established its State Council, please contact your state's Governor's office, state compact administrator and sponsor of the compact legislation in your state for information on next steps. State Councils should be established and have met prior to the first Interstate Commission meeting.

Model language of the State Council article of the Adult Compact:

*"Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state."*

## Purpose

The Adult Compact specifically calls for the development of State Councils in each member state. Designed to serve as an advisory and advocacy body of state policy makers and experts, each State Council may be tasked with development of policy concerning operations and procedures of the compact within that state. Your state language may be different, particularly as related to members of the State Council, appointment procedures, who makes appointments, etc. Please refer to the specific language of the compact as adopted in your state for clarification.

## Authority

Tip #5: Determine who has the authority to appoint members to the State Council.

Each state must determine who will appoint members to the State Council. The appointment authority may differ depending on the area represented by the council members, (e.g., judicial branch, executive branch) or by state statute. Whoever is responsible for the appointment of State Council members, this process (if not already completed) should occur as soon as possible. Please refer to the specific language of the compact as adopted in your state for clarification.

Tip #6: Determine how your state will handle State Council authority issues and how the State Council will function.

Each state retains the right to determine the authority of its State Council as developed and enacted by the language of that state. Some states may chose to limit the authority of the State Council to simply act as an advocacy body for the compact, raising its visibility to decision makers. Other states may choose a more direct role for the State Council, allowing for more day-to-day oversight of compact activities. Please refer to the specific language of the compact as adopted in your state for clarification. In addition, it is important to determine how the State Council will function (e.g., who presides over the meetings, who will schedule meetings, who will record meeting activities, where will meetings be held and how often, how will activities/concerns of the State Council and Interstate Commission be reported to key constituents).

## Composition

Tip #7: Determine what will be the required or desired qualities and qualifications for membership on your State Council and the number of council members.

The model language of the compact outlines the composition and appointment of State Council members. However, your state language may be different, specifically outlining qualities and qualifications for Council members. Your state may also decide to meld the State Council responsibilities with a pre-existing council or group. Please refer to the specific language of the compact as adopted in your state for clarification and discuss with key policy representatives.

Each state retains the right to determine the composition of its State Council as developed and enacted by the language of that state. Some states may choose to have specific qualities (e.g., recognized leader of constituency group – director of victim services, parole board chair) and qualifications (e.g., experience with criminal justice issues) reflected in their State Council members. Other states may choose to have a broader base of experience represented on the body. The compact is purposefully silent on the topic of State Council member qualifications, instead leaving this decision entirely to the member state.

## Compact Administrator

Tip #8: Become educated in how your state currently handles compact administration, how it handles the day-to-day administrative duties of the compact and whether your state provides for a deputy compact administrator and compact staff.

The model language of the compact defines the compact administrator as *“the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.”*

In many states the compact administrator delegates the day-to-day operation of the compact to a deputy compact administrator. In those states it is the deputy compact administrator that has intimate knowledge of how the compact functions on paper and in practice. He/she is the person responsible for the day-to-day operations and often best understands the strengths and weaknesses of policies from a practical standpoint.

Tip #9: Determine how your state will appoint the compact administrator under the new compact.

Each state must ensure that procedures are in place with the proper appointing authority for the appointment of a compact administrator.

The compact administrator not only serves as the day-to-day authority over compact activity in a state, but also serves as the states primary representative to the Interstate Commission, serving as Commissioner (see discussion above regarding the role of deputy compact administrators). Please refer to the specific language of the compact as adopted in your state for clarification and consult with your state’s current compact administrator for additional information and current activities.

## National Commissioner

Tip #10: Determine who will represent your state at the Commission meetings if the compact administrator is unable to attend; and understand and appreciate the Commissioner's responsibilities.

The national Interstate Commission is composed of one Commissioner from each member state. These Commissioners represent the states and, as a whole, make the determinations for the Commission on issues such as rules and regulations, dues, staff, etc. It is assumed that State Council members will have the opportunity to provide consultation and direction to the Commissioner prior to Commission meetings.

Please keep in mind that, as previously identified and outlined, the state retains the rights to determine the qualifications of the compact administrator. Also, should the Commissioner be unable to participate in Interstate Commission meetings, for whatever reason, an "Authorized Representative" may be designated for individual Interstate Commission meetings.

The model language of the compact defines this process. *"A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person."*

Please refer to the specific language of the compact as adopted in your state for clarification and consult with your state's current compact administrator for additional information and current activities.

# INTERSTATE COMMISSION

This information on the Interstate Commission is provided to assist State Council members and state compact administration staff to prepare for and understand the purpose and intent behind the Interstate Commission. It is not the intent of this section or its analysis to dictate or circumvent the prerogative of the Interstate Commission, the State Councils or the membership of each.

Model language of the Interstate Commission article of the Adult Compact:

*"The compacting states hereby create the "Interstate Commission for Adult Offender Supervision." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public. The Interstate Commission shall establish an Executive Committee that shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws."*

## Purpose

The Adult Compact specifically calls for the development of an Interstate Commission to establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies. The Interstate Commission will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines. The Commission will also establish a system of uniform data collection, provide access to information on active cases by authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. Further, the Commission will monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct non-compliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

## Authority

Tip #11: State Council members should discuss and understand the authority vested in the Interstate Commission in preparation for the first meeting of the Commission.

The Interstate Commission is a multi-state administrative agency composed of Commissioners from its member states. The authority held by the Interstate Commission is granted by the member states and is carried out by those Commissioners designated by the states. The Interstate Commission shall have the authority, per the language of the compact, to do the following:

- *To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.*
- *To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.*
- *To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same.*
- *To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.*
- *To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.*
- *To establish a budget and make expenditures and levy dues as provided in Article X of this compact.*
- *To sue and be sued.*
- *To provide for dispute resolution among Compacting States.*
- *To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.*
- *To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.*
- *To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity.*
- *To establish uniform standards for the reporting, collecting, and exchanging of data.*

Your states compact language should not differ contextually from this language.

## Composition

Tip #12: The State Council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on Commission business prior to the first Commission meeting.

## Responsibilities

Tip #13: The State Council may prepare for the first Commission meeting by discussing specific and general responsibilities of the Commission and its members. This could include having specific discussions on such things as, but not limited to member dues formulas, rule-making considerations, Commission staffing needs, and training needs. The Commissioner should come to the first Commission meeting prepared to address these and other issues.

The compact language outlines specific duties and responsibilities for the Interstate Commission. It should be noted that while the compact language itself speaks to initial responsibilities of the Commission, it is assumed that other responsibilities and duties could evolve over time.

### *Establishment of the Interstate Commission*

- Planning and coordination for the meetings of the commission, both full Interstate Commission meetings and committee meetings
- Development of the rules and regulations for the Compact
- Hiring of the Commission staff and interim staff support from CSG
- Notification to states of the Compact's ratification by 35 states
- Development of the State Councils
- Development of a Commission budget
- Invoicing to the states for dues approved within the Compact

### *Membership Services*

- Technical assistance to states as they transition to the State Council
- Convene meetings of states to share State Council development strategies
- Continued outreach to both Compact and non-Compact states
- Development of an information clearinghouse regarding the Compact

### *Interstate Commission Tasks*

- Development of training materials for judges, prosecutors, probation/parole staff and victims; including development of training curricula, as well as tools like courtroom "bench books" and agency policies and procedures
- Conducting on-site training for state personnel regarding the Compact, its workings and processes
- Development of materials for victims that promote a greater understanding of their rights and the information processes available to them when an offender wishes to go to another state

## **By-Laws**

Tip #14: The State Council may prepare for the first Commission meeting by discussing by-laws for the Commission. The Commissioner should come to the first Commission meeting prepared to address these and other issues.

The compact language calls for the development of By-Laws for the Interstate Commission. By-Laws are to be developed by the Commission and its members during the first 12 months of operation. The model compact language defines By-Laws as: *"those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct."*

The model compact language further describes the Interstate Commission's By-Laws activity as such:

*"The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:*

- *establishing the fiscal year of the Interstate Commission;*
- *establishing an executive committee and such other committees as may be necessary.*
- *providing reasonable standards and procedures:*
  - a. for the establishment of committees, and*
  - b. governing any general or specific delegation of any authority or function of the Interstate Commission;*
- *providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;*
- *establishing the titles and responsibilities of the officers of the Interstate Commission;*
- *providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and*
- *providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations;*
- *providing transition rules for "start up" administration of the compact;*
- *establishing standards and procedures for compliance and technical assistance in carrying out the compact."*



## Committees

Tip #15: The State Council may discuss what, if any, committees its Commissioner should serve on as well as how the members of the State Council may be able to support Commission committee work. Additionally they may discuss any additional committees they would recommend and how they will ensure input into committee functions.

The compact language calls for the development of various committees upon which members may serve within the Interstate Commission. Further, the compact states that other committees may be established, as needed, to address such issues as rules and regulations, dues and dues formula, education, outreach and training. The model language states:

*"To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder."*

## Election of Officers

Tip #16: The State Council may discuss whether its Commissioner should seek office on the Commission and what qualities Commission leaders should possess.

The Interstate Commission will elect officers from among its body of members. The compact language specifically outlines the positions of "chairperson" and "vice chairperson." The model compact language states:

*"The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission."*

## Meetings

Tip #17: The State Council may discuss whether they are going to send members of the Council to the Commission meetings in addition to the Commissioner and, if so, how the costs of additional attendees will be funded. CSG/NIC will cover the costs of the Interstate Commissioner from your state. Additional costs for other attendees will be borne by the state.

The Interstate Commission is required to hold at least one meeting during each 12-month cycle. It is likely that the Commission will meet several times during the first 12 months of its existence, with specific committees meeting more often until such issues as rules and regulations, dues and dues formula and education, outreach and training efforts can be completed. The State Council may choose to send additional people to consult with the Commissioner on interstate issues that may arise and to be more actively involved in Interstate Commission start-up.

Further, the model language states:

*"Each Member of the Interstate Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person."*

## Staffing of the Interstate Commission

Tip #18: The State Council may discuss what they anticipate being the necessary staff positions for the operation of the compact. Additionally, they may discuss the qualifications of an executive director. Further, the Interstate Commission can decide where it will be housed; State Councils and Commissioners should be prepared to discuss the location and housing of the Interstate Commission.

The Interstate Commission will have a full-time staff. Although the only position outlined in the compact language is that of executive Director, it can be expected that other positions, such as Assistant Director, Legal Counsel, Program Specialist, etc., will be developed to assist in the administration of the compact and the compact Commission.

Specifically, the model compact language speaks to:

*"The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member."*

It will be critical that the Interstate Commission have a full-time staff to manage the new duties placed upon the Interstate Commission and the states. The staff will provide legal expertise and technical assistance to the states, will provide mediation and arbitration services for conflicts among the states and provide continuous training and improvement activities among the members states to enhance the activities of the compact and its members.

Short-term, if requested by the Interstate Commission at its initial meeting, The Council of State Governments is prepared to provide secretariat services to the Interstate Commission until such time as it becomes a viable entity that can maintain its own offices, staff, etc. Long-term, the Interstate Commission will have to decide its location and agreements with other entities for services and staffing.

## Rules & Rulemaking

Tip #19: The State Council should review the existing rules and regulations with your compact administrator or deputy compact administrator, become familiar with these rules and regulations and discuss any desired additions, deletions or enhancements to the rules and regulations prior to the first Interstate Commission meeting.

As the Interstate Commission meets, it is expected that many of the rules for the new compact will be similar, if not identical, to the current rules. But, the new compact will create a governing structure with the capacity and authority to effectively manage rulemaking and compliance by member states. Rulemaking authority is left to representatives of those states that choose to enact the compact. The compact creates a process for rules to be made by member states and enforced and, when necessary, empowers them to modify rules without returning to each state legislature.

Specific rules must be addressed by the Interstate Commission during the first 12-months. These include:

- Notice to victims and opportunity to be heard
- Offender registration and compliance
- Violations/return
- Transfer procedures and form
- Eligibility for transfe
- Collection of restitution and fees from offenders
- Data collection and reportin
- The level of supervision to be provided by the receiving stat
- Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact
- Mediation, arbitration and dispute resolution

The compact does not include specific rules to be addressed by the Interstate Commission. Through public hearings and other testimony it became apparent that the primary challenge to effective interstate supervision of parolees and probationers is the ability of “the system” to manage its activities and to insure compliance of member states to agreed upon rules and requirements.

## Establishing a Budget

Tip #20: The State Council may discuss those expenditures they feel will be necessary to operate the Interstate Commission.

In order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission will establish a budget for the operation of the Commission and its duties. It is the intent of the compact that financial support be contributed by the member states.

The model compact language states:

*“To establish a budget and make expenditures and levy dues as provided in Article X of this compact.”*

*“The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year.”*

Your state’s compact language should not differ contextually from this language.

## Training, Education, Outreach to/for states

Tip #21: The State Council should meet with the current compact administrator, deputy compact administrator and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by offender supervision staff, the judiciary and other allied justice system personnel.

The Interstate Commission will conduct training, education and outreach to the member and non-member states on a wide variety of issues surrounding the compact. The current compact does not provide for adequate training of compact staff in the states, nor promote education and outreach to member states, compact administrators or other stakeholder groups (e.g., judiciary, prosecutors, defense bar, victim advocacy groups). The Interstate Commission will provide training and education to compact administrators, deputy compact administrators and other compact staff as well as to other state officials who may need information and contact with the compact. The Interstate Commission will also provide outreach to non-member states to facilitate their full membership and participation in the Adult Compact.

The model compact language states:

*“...and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.”*

*“To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity...Remedial training and technical assistance as directed by the Interstate Commission.”*

## National Information Sharing System & Data Collection

Tip #22: State Councils may work with compact administrators, deputy compact administrators, other compact staff and allied justice system agencies to determine what types of information should be collected and shared in a national data sharing system. This information, presented by your state Commissioner to the Interstate Commission, will be valuable in defining the specific parameters of the system.

The compact calls for the creation of a national data sharing system that facilitates the collection of uniform data on offender populations and transactions, allowing for more effective tracking of offenders as they move between states and among jurisdictions. The system will also foster a higher level of communication between the states, creating a much more expedient and efficient system for sharing transfer cases.

The Interstate Commission, through partnerships and cooperative agreements, will fund this national data sharing system with private sector firms, public/private foundations and Federal agencies.

The model compact language states:

*“Establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators.”*

*“To establish uniform standards for the reporting, collecting, and exchanging of data.”*

*“The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.”*

## Finance Issues

Tip #23: State Councils and compact administrators should familiarize themselves with the specific processes and procedures within their state for requesting a budget appropriation. Also, the State Council could see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments.

Each state will need to consider what, if any, budget appropriations will be necessary to support compact activities within their state in order to comply with current and future compact activity demands.

Also, in order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission will establish a budget for the operation of the Commission and its duties. It is the intent of the compact that financial support be contributed by the member states. These state appropriations will be based on an equitable dues formula developed by the Interstate Commission and its members that at minimum will use, as its components, the offender transaction volume of the state and the relative population of the state. It could be expected that states will be invoiced for their dues on an annual basis and it is the responsibility of each member state to budget accordingly in preparation for this annual assessment.

The model compact language speaks specifically to the issue of finance:

*“The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities. The Interstate Commission shall levy on and collect an annual assessment from each Compacting State to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each Compacting State and shall promulgate a Rule binding upon all Compacting States which governs said assessment. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.”*

## Dues Timeline

It can be expected that invoices to states for dues will be processed within 6-9 months following the first Interstate Commission meeting. Thereafter, invoicing will occur on an annual basis following the dues formula developed by the members.

## Dues Formula

Tip #24: The State Council should seek information on offender movement totals from the current compact administrator and other appropriate state agencies to prepare for the Interstate Commission. The State Council, in consultation with state leaders could discuss possible configurations for a dues formula.

In order to accurately develop a dues structure and formula, information on current state transfer and transaction statistics and state financial and demographic information will be needed.

# LEGAL ISSUES

Tip #25: Read and become familiar with the specific articles and sections of the compact that do pose or may pose legal implications and obligations. Consult your state's compact administrator and, if necessary attorney general's staff for assistance. The following section is provided to assist in your discussions.

## Enforcement & Compliance

The compact language compels the Interstate Commission to enforce compliance of all compact provisions and rules and regulations. The compact contains several enforcement tools to ensure compliance with compact provisions and rules and regulations developed by and for the states and Interstate Commission. These include:

- Fines & fees
- Remedial training & technical assistance
- Legal enforcement
- Suspension or termination of membership

The specific model compact language states:

*"The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions. . . of this compact."*

*"If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties:*

- *Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;*
- *Remedial training and technical assistance as directed by the Interstate Commission;*
- *Suspension and termination of membership in the compact.*

*Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.*

*The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.*

*The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.*

*The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules."*

*"The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees."*

## Oversight

A primary goal of the Interstate Commission is oversight of national Adult Compact activities. The model compact language specifically provides for:

*"The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in Non-compacting States which may significantly affect Compacting States. The courts and executive agencies in each Compacting State shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a Compacting State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes."*

## Dispute Resolution

As a means to avoid lengthy and expensive judicial proceedings on conflicts among the member states, the compact provides for dispute resolution tools such as mediation and arbitration. Specifically the compact authorizes these tools:

*"To provide for dispute resolution among Compacting States."*

And the compact also outlines their use:

*"The Compacting States shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among Compacting States and Non-compacting States. The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the Compacting States."*

## Amendment Procedures

The compact does authorize and provide amendments to the language and outlines specific steps for amendment:

*"Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States."*

## Withdrawal, Default & Termination

### Withdrawal

A state may withdrawal from the compact upon enacting a state statute that authorizes such action. The compact recognizes this possibility and provides specific steps and requirements for such an action.

*"Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; PROVIDED, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law. The effective date of withdrawal is the effective date of the repeal. The Withdrawing State shall immediately notify the Chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State. The Interstate Commission shall notify the other Compacting States of the Withdrawing State's intent to withdraw within sixty days of its receipt thereof. The Withdrawing State is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. Reinstatement following withdrawal of any Compacting State shall occur upon the Withdrawing State reenacting the Compact or upon such later date as determined by the Interstate Commission."*

## Default

A state is in default of the compact and its provision should a state not adhere to the language of the compact or the subsequent rules and regulations developed and adopted by the Interstate Commission. Specifically:

*"If the Interstate Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules the Interstate Commission may impose any or all of the following penalties: Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; Remedial training and technical assistance as directed by the Interstate Commission; Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor; the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council. The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination. The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination. The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules."*

## Dissolution

The compact dissolves at such time as only one state is a member. The compact provides:

*"The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws."*

## Binding Effect of Compact & Other Laws

The compact provides:

*"Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact. All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict."*

*"All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the Compacting States. All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective."*



# INTERSTATE COMPACTS

## Historical Context and Background Information

### Interstate Compacts

The language of interstate compacts is not complicated and in fact, is quite similar to standard contract law. Interstate compacts are the most powerful, durable, and adaptive tools for ensuring cooperative action among the states. As one of the oldest mechanisms for states to work together, their use predates the founding of the nation. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states. The very nature of an interstate compact makes it the ideal tool to meet the demand for cooperative state action to develop and enforce stringent standards, while providing an adaptive structure that can evolve to meet new and increased demands over time.

Interstate compacts are adopted by individual states when enabling legislation is enacted, as your state did to become a member of the new Adult Compact (See Appendix A – State Status & History). They are subject to the substantive principles of contract law and are protected by the constitutional prohibition against laws that impair the obligations of contracts (US Constitution, Article 1, Section 10). Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the terms of the compacts themselves. Compacts can contain their own enforcement mechanisms and courts can compel compliance with their terms. These elements make compacts the most effective means of ensuring interstate cooperation.

### Interstate Compacts: General Purposes

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multi-state governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

### Interstate Compacts: History

Historically, compacts have been enacted for a variety of reasons, though they were seldom used until the 20th Century. Between 1783 and 1920, states approved 36 compacts, most of which were used to settle boundary disputes. But in the last 75 years, more than 150 compacts have been created, most since the end of World War II. Their purposes range from implementing common laws to exchanging information about common problems. They apply to a range of subject areas from conservation and resource management to civil defense, education, emergency management, energy law enforcement, probation and parole, transportation, and taxes.

Some compacts authorize the establishment of multi-state regulatory bodies, as is the case with the Interstate Compact for Adult Offender Supervision. The first and most famous of these is the New York Port Authority, which arose from a 1921 compact between New Jersey and New York. Other agreements are simply intended to establish uniform regulations without creating new agencies.

### Purpose: Interstate Compact for Adult Offender Supervision

On a superficial level it may appear that there is little difference between the existing compact and the newly enacted compact. They both have a national body and they establish rules to govern interstate movement of probationers and parolees. However, the substantial difference in this new compact is that it legally empowers compact authorities to effectively conduct business on behalf of the compact states, and it sets forth a structure that will keep compact activity at a visible point within state government. Its provisions include:

- The explicit establishment of an independent compact operating authority with legal power to manage ongoing compact activity.
- The new compact creates an important new level of state involvement since each state will have a State Council, whose membership must include at least one member from legislative, judicial, and executive branches of govern-

ment; victims groups, and compact administrators. They are required to exercise oversight and advocacy concerning state participation, and other duties as may be determined by each member state. Each state will designate one representative to the National Commission.

- The National Commission will be somewhat similar to the current Probation and Parole Compact Administrators Association. However, the National Commission will now have clearly established authority and staff support to carry out their work in creating by-laws and passing and enforcing rules that are binding on party states. The National Commission will also elect officers.
- The Executive Committee will be comprised of officers elected by the National Commission, plus ex-officio (non-voting) members of organizations including — but not limited to — governors, legislators, chief justices, attorneys general, and crime victims. Among other responsibilities, the Executive Committee will be available to function throughout the year, and they will hire and supervise compact staff on behalf of the National Commission.
- There will now be explicit rule making authority, provisions for significant sanctions, and meaningful enforcement.
- A formula based mandatory funding mechanism will be sufficient to support essential compact operations (staffing, data collection, training/education, etc).
- There will now be authority to require collection of standardized information from compact states.
- There are now requirements for regular reporting of compact activities to the heads of state councils as well as state executive, judicial, and legislative branches and criminal justice administrators.

It is the purpose of this compact to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community, to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states and to equitably distribute the costs, benefits and obligations of the compact among the compacting states.

Without an effective interstate compact there would be no national controls of the movement of state and local probationers and parolees. With more than 4.5 million people of probation and parole in the states and at least 250,000 of these offenders moving between states, a critical need exists to monitor and track these offenders effectively and quickly.

More than 3,200 local adult probation and parole offices exist across the country, housed within some 861 different agencies. This high degree of decentralization requires the establishment of protocols, guidelines, and structure within which interstate and interagency probation and parole business (such as case transfers and investigations) can be conducted.

Managing offender populations has become increasingly complex. State and local governments are passing measures dealing with special offender and high-risk groups such as registration of sex offenders and notification to victims regarding offender locations. Probation and parole must be able to satisfy compliance requirements, track the location of offenders, smoothly transfer supervision authority, and when necessary return offenders to the originating jurisdictions. Interstate activity involving offenders must be governed by public policies that ensure equity and justice for all involved parties, including victims of crime.

There are legitimate reasons why it is more likely that an offender will succeed in a certain location than anywhere else. Those reasons generally relate to responsible family support and employment. The existing compact permits a probationer or parolee to reside in a different state if:

- 1 The person is in fact a resident of or has family residing within the receiving state and can find employment there. The offender shall have an offer of employment or a visible means of support; or
- 2 Though not a resident of the receiving state and not having family residing there, the receiving state consents to the probationer or parolee being sent.

## **Background & Development of the Compact**

Over a 2-year period, beginning in 1997, the National Institute of Corrections (NIC) Advisory Board heard concerns regarding interstate supervision of probationers and parolees. They reviewed survey information and conducted public hearings and identified two themes: (1) public safety concerns, and (2) correctional systems accountability. The NIC Advisory Board concluded that only after interstate supervision governing issues are adequately addressed would it be appropriate to invest in initiatives to:

- Improve communications between local agencies;
- Standardize data collection, measures, and reporting; and
- Expand education, training, and information exchange.

The board directed NIC staff to work on facilitating change in the Compacts' governing capacity; understanding that:

- Management and operation of the Compact should not be a federal function
- The adult compact should be the primary NIC focus while collaborating with Office of Juvenile Justice and Delinquency Prevention (OJJDP) and others seeking to address similar issues with the juvenile compact.

A Compact Advisory Group (See Appendix B) was formed to assist staff in assessing interstate supervision options and alternatives, and to assist in identifying groups having an interest in effective interstate supervision. They identified a revision of the existing compact as the only option for long-term change.

In 1999, The Council of State Governments (CSG) worked with NIC to develop and facilitate a drafting team of state officials (See Appendix B) to begin the design of a revised adult compact. Considering the suggestions of the Advisory Group as well as extensive survey work conducted by NIC's Information Center, the drafting team developed, over a period of six-months, the compact language. During 1999, an educational campaign was developed for the states to help policymakers better appreciate and understand the need for a new compact and a "National Legislative Briefing" was held for some 150 state legislators and other officials on the compact.

In 2000, the Adult Compact was first available for introduction in the states. Throughout the year, CSG and NIC provided on-site technical assistance to states considering the compact and maintained an extensive information clearing-house on the project. During the year, 15 states introduced the compact, 9 states adopted it. In November 2000, CSG hosted a 2<sup>nd</sup> "National Legislative Briefing" held with some 125 state officials.

In 2001, CSG continued its efforts with NIC on the initiative, securing at year-end 25 enactments and a total of 43 introductions in the states.

In 2002, the new Adult Compact reached its 35 state threshold, thus beginning the next phase of the compact, transition to the Interstate Commission.

# APPENDIX A

## STATE STATUS & HISTORY

### *State-by-State Status As of July, 2002*

State	Bill / Statute Number	Primary Sponsor	Status
Alabama	HB 231	Rep. John Robinson	Signed into law, 4/17/02
Alaska	<a href="#">HB 52</a>	Gov. Tony Knowles	<b>Signed into law, 6/19/02</b>
Arizona	HB 2338	Voss, Bortherton, Smith	Signed into law, 5/30/02
Arkansas	SB 252	Sen. Mike Everett	Signed into law, 2/15/01
California	Cal. Penal Code 11180	Sen. John Lewis	Signed into law, 9/24/00
Colorado	CRSA §§ 24-60-2802	Sen. Norma Anderson	Signed into law, 4/10/00
Connecticut	SB 553	Judiciary	Signed into law, 6/1/00
Delaware	HB 199	Rep. Nancy Wagner	Under Consideration
Florida	SB 306		Signed into law, 6/13/01
Georgia	HB 885	Rep. Curtis Jenkins	Signed into law, 5/16/02
Hawaii	SB 2152	Sen. Avery Chumbley	Signed into law, 6/7/00
Idaho	IC § 20-301	Sen. Denton Darrington	Signed into law, 4/17/00
Illinois	HB 4936	Rep. Jay Hoffman	Signed into law, 6/26/02
Indiana		N o t I n t r o d u c e d	
Iowa	<a href="#">HF 287</a>	Judiciary Committee	<b>Signed into law, 3/26/01</b>
Kansas	SB 95	Sen. David Adkins	Signed into law, 4/4/02
Kentucky	KRS § 439.561	Rep. Bob Damron	Signed into law, 4/21/00
Louisiana	HB 965	Rep. Daniel Martiny	Signed into law, 6/22/01
Maine	LD 1081	Rep. Julie O'Brien	Session Adjourned
Maryland	<a href="#">SB 85</a>	S. Frosh & R. Dembrow	<b>Signed into law, 4/20/01</b>
Massachusetts		N o t I n t r o d u c e d	
Michigan	HB 4690	Rep. Charles LaSata	Signed into law, 3/12/02
Minnesota	<a href="#">SF 2611</a>	Sen. Jane Ranum	<b>Signed into law, 3/26/02</b>
Mississippi	HB 636	Rep. Warner McBride	Session Adjourned
Missouri	VAMS § 589.500	Rep. Randall Relford	Signed into law, 6/27/00
Montana	SB 40	Sen. Chris Christiaens	Signed into law, 2/14/01
Nebraska	LB 895	Sen. Diana Schimeck	Session Adjourned
Nevada	SB 194	Sen. Maurice Washington	Signed into law, 6/6/01
New Hampshire		N o t I n t r o d u c e d	
New Jersey	SB 166	Sen. Richard Bagger	Passed Senate, in Assembly
New Mexico	HB 669	Rep. Ken Martinez	Signed into law, 4/5/01
New York	AB 7104	Assem. Jeff Aubrey	Codes Committee
North Carolina	HB 1641	Rep. Culpepper	House Judiciary Comm.
North Dakota	HB 1270	Rep. Duane DeKrey	Signed into law, 4/6/01
Ohio	HB 269	Rep. Bob Latta	Signed into law, 10/26/01
Oklahoma	22 Okl St Ann §§ 1091	Sen. Brad Henry	Signed into law, 6/1/00
Oregon	HB 2393	Interim Judiciary Com.	Signed into law, 7/3/01
Pennsylvania	SB 391	Sen. Stewart Greenleaf	Signed into law, 6/19/02
Rhode Island	HB 7447	Rep.'s Scott/Watson	Signed into law, 6/25/02
South Carolina	<a href="#">SB 1172</a>	Sen. Glenn McConnell	<b>Signed into law, 5/28/02</b>
South Dakota	SB 28	State Affairs Comm.	Signed into law, 2/28/01
Tennessee	<a href="#">SB 1682</a>	Sen. David Fowler	<b>Signed into law, 6/11/02</b>
Texas	HB 2494	Rep. Pat Haggarty	Signed into law, 6/11/01
Utah	HB 18	Rep. Gary Cox	Signed into law, 2/22/01
Vermont	28 VSAT 22 § 1351	Senate Institutions	Signed into law, 4/27/00
Virginia	SB 649	Sen. Nick Rerras	Session Adjourned
Washington	SB 5118	Sen. Jeri Costa	Signed into law, 4/16/01
West Virginia	HB 2785	Del. Roy Givens	Session Adjourned
Wisconsin	HB 481	Rep. Scott Walker	Signed into law, 4/22/02
Wyoming	HB 90	Judiciary Committee	Signed into law, 2/20/01
Amer. Samoa			
Dist. of Columbia			
Guam	SB 528	Sen. Marcel Camacho	
N. Mariana Is.			
Puerto Rico			
U.S. Virgin Islands			

# APPENDIX B

## Rosters

### ***Ad Hoc Committee***

Barry Nidorf  
Chief Probation Officer (Retired)  
Los Angeles, California

Norman A. Carlson  
Director Federal Bureau of Prisons (Retired)  
Stillwater, Minnesota

Newman Flanagan, Director  
National District Attorneys Association  
Alexandria, Virginia

Michael Gaines, Chair  
United States Parole Commission  
Chevy Chase, Maryland

Don Omodt, Sheriff (Retired)  
Hennepin County, Minnesota

### ***Public Hearing Group***

Sherry H. Pilkington, Compact Administrator  
North Carolina

Milton R. Gilliam, Compact Administrator  
Oklahoma

Timothy L. Carroll, Deputy Compact Administrator: Probation  
District of Columbia

Don Blackburn, Deputy Compact Administrator  
Utah

Robert M. Porter, Compact Administrator  
Florida

C. Douglas Cluck  
Compact Administrator  
Tennessee

Rose Ann Bish, Deputy Compact Administrator  
Minnesota

Stephen C. Lindley, Field Service Administrator  
Wyoming Department of Corrections

Cranston Mitchell, Chair  
Missouri Board of Probation and Parole

Barbara Broderick, Director, Adult Services Division  
Arizona Administrative Offices of the Courts

William F. Ward, Chairman  
Pennsylvania Board of Probation and Parole

John Kinkela, Chief  
Ohio Adult Parole Authority

Judge Kathleen Gearin, District Court Judge  
St. Paul, Minnesota

Richard Mulcrone, Assistant Commissioner  
Minnesota Department of Corrections

Joseph M. Chaps, Chief of Criminal Justice  
Illinois Office of the Attorney General  
(Representing National Criminal Justice Association)

Gary Lundeen, Career Parole/Probation Officer  
Hennepin County Department of Community Corrections  
Minneapolis, Minnesota

Frank Gatto, District Parole Supervisor  
New Jersey Department of Corrections/Bureau of Parole  
Patterson, New Jersey

Penny Blotsky, Parole Officer  
North Dakota Parole and Probation  
Bismarck, North Dakota

Allison Folmar, Probation Agent  
Michigan Department of Corrections/Probation Tether Unit  
Detroit, Michigan

Daniel SooHoo, Deputy Probation Officer III  
Alameda County Probation Department  
Oakland, California

C. W. Rorrer, Jr., Chief  
Probation and Parole District #8  
Virginia Department of Corrections  
South Boston, Virginia

### ***Advisory Board***

Don Blackburn, Compact Administrator  
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Barbara Broderick, Director  
Adult Services  
Arizona Administrative Office of the Courts

Michael McCabe, Director  
The Council of State Governments – Midwest Office

Anne McCloskey, Founder  
Maryland Coalition Against Crime

Gail Hughes, Executive Secretary  
Association of Paroling Authorities, International

Sherry Pilkington, Compact Administrator  
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Cranston Mitchell, Chair  
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Kim Budnick, Region Chief  
State Relations and Assistance Division

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Court Services & Offender Supervision, Washington, DC

Mike Lawlor, State Representative  
Connecticut

Don Stiles, Court Administrator  
Superior Court of Arizona

Milt Gilliam, Compact Administrator  
Oklahoma Department of Corrections

Ellen Halbert, Victim's Advocate  
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